

## CEQA Improvement Regional Dialogue - Sacramento

May 2, 2005—Digest Notes

### *Introductory Comments*

- Secretary Chrisman is working with the CEQA Improvement Advisory Group as part of the anti-dumb growth task force. “Eliminating regulatory hurdles” has continued to be a focus of the Advisory Group.
- The Advisory Group is revealing that CEQA has turned into a planning document and is now looking at how to help make regional planning a regular part of the anti-dumb growth effort.

### *Public Policy Institute of California (PPIC) Presentation*

The PPIC paper on *CEQA Reform: Issues and Options* is posted on PPIC’s website at: [http://www.ppic.org/content/pubs/OP\\_405EBOP.pdf](http://www.ppic.org/content/pubs/OP_405EBOP.pdf).

### *Public Comments*

- At the conclusion of the BluePrint project, it was made clear the real progress would be difficult to attain without changes for CEQA. Aiming to set aside the polemic, positional debate that is taking place at the state level, the goal of today’s session aims to be a discussion highlighting regional discussions that ties in the CEQA work to the BluePrint project.
- An implementation activity that is highlighted in the BluePrint project summary is to remove regulatory barriers to housing production.
- CEQA is one of many barriers that is holding up development projects. Traffic descriptions lead to the wrong conclusions in terms of blocking projects that would be good for thoughtful, higher density, transit oriented development and this leads to worse air quality.
- Example of Placer Vineyards project to add an additional 10,000 units is facing delays in the EIR process right now. If this project does not go through, those units will appear elsewhere and probably not in urban locations.
- CEQA is not a land use or development process and applies to timber harvest and air quality standards and other issues. CEQA is working well at the government approval level, not at the project level. Do we have a planning problem or do we have a problem with CEQA?
- Master plans are out of date throughout the region, yet we keep coming back to CEQA as the target. Why not look at the problem of having inadequate planning laws and lack of compliance with these planning laws?
- Prop 13 has crippled government funding at the local level and CEQA appears to be a way for local government to raise funds for EIRs. It seems as if funding is the problem not CEQA.
- CEQA is a transparent document that allows the public to learn about the planning process and helps to define mitigation measures and to identify who is responsible for getting the public involved in an in depth way at an early stage.
- Traffic studies often result in a reduction in density as a result of mitigation findings. Standards are set in a traditional way that is biased towards autos.

- CEQA does not encourage piecemealing projects, rather CEQA does review on a project by project basis. CEQA allows for tiering and regional planning, but the problem is that planning does not take advantage of CEQA. The money shows up at the individual project level. Perhaps the money should show-up at the point in government's planning process.
- The infill exemption of CEQA is not easily defensible and projects are challenged through CEQA despite the exemption clause. Change in circumstance is another critical issue, and whether the challenge is sensible or not, any shift in information (even if it is insignificant) serves to delay projects. CEQA has no balancing mechanism. Mitigation efforts to minimize traffic impacts often result in housing located further away from jobs. Regional thresholds for different levels of development that establish traffic and air quality standards and provide protection from CEQA challenges are needed.
- We are going to grow and we need to accommodate people and we need certainty with regard to where that growth takes place. Also, planners need to be respectful of the differing needs for different housing types among consumers. Not everyone is interested in living in dense neighborhoods.
- CEQA serves as the only stop-gap measure for citizens groups to block projects that they do not want coming into their neighborhoods. Planning tools that are available are not leading to the production of affordable housing. Affordable housing elements have been viewed as an inappropriate step for developers.
- Most requirements take place in silos and there is rarely cross-pollination in terms of the impact of those projects or if a given project fits with the regional Blueprint. How might the community get more involved with the planning process?
- Funds should somehow be rerouted away from specific level CEQA reviews and quantitative data were made available at the regional level. The only way projects move forward in fiscally strapped jurisdictions is to conduct EIRs up front.
- Tax structures need to return to a decent incentive for better planning. Some of the infill rules don't help in any way. The housing prices have made impacts in society and changed families.
- City of Roseville has 9 specific plans and this has provided some assurance for developers when considering new projects.
- CEQA is overpowered at the urban core and underpowered at the suburban fringe. It is more difficult to get property owners to contribute to planning in the urban core. Regional plans take place at the regional level but they are not vested with any power. We have de-empowered regional plans. Bullet-proofing in advance serves to protect in advance. Change the legal argument to move beyond the legal standards which are too low in some cases. Tiering should be made available if other plans were made available.
- Frontloading is a great idea only if tiering is legitimized. The way to legitimize standards is to make review based on a substantial evidence test and not a fair argument standard.
- Could provide indemnification of general plans if the plan will protect the environment and if sprawl inducing impacts are taken into account. The housing element law requires that if you use higher density than you should have to upzone your density to comply with RHNA projections. Identifying and rezoning sites is a

time consuming process that was designed to satisfy overall housing production numbers for the region.

- Tiering would only work if there is clarity around what step in the tiering process public comments can be made.
- A Government entity enforcing regional plans is the threat that draws people to the table and CEQA is missing any type of self-enforcement.
- Regional traffic impact fees could be used to pay for regional infrastructure projects.
- Infill exemption concept is helpful, but again raises the question of whether the real issue with our lack of housing and increased traffic is the result of CEQA or more broader problems such as local government financing.
- Standards of infill projects should be broadened to accommodate smaller projects in rural or fringe communities.
- Sacramento County cannot use the CEQA exemption because it requires projects to take place within city boundaries and most of the proposed projects are slated to take place on the fringe of the city.